

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BRAITHWAITES CONSUMER GOODS  
LLC,

Plaintiff,

v.

TASTY E VAPES LLC, et al.,

Defendants.

Case No. 2:13-cv-02067-RJC-PAL

**ORDER**

(Mtn. to Withdraw - Dkt. #22)

This matter is before the court on the Motion to Withdraw as Attorney of Record (Dkt. #22) filed May 16, 2014. The court has considered the Motion. Defense counsel Brian R. Hardy and Adam C. Anderson seek leave to withdraw as counsel for Defendants Tasty E Vapes LLC, Joseph Landolfi, and Barry Masciotra. The Motion represents that Mr. Masciotra sued Mr. Landolfi and Tasty E Vapes LLC in state court after this case was filed. A portion of the facts supporting that state court case arise from and concern the facts underlying this federal case. Accordingly, Defendants' interests are adverse to one another, and an actual conflict of interest exists. Counsel can no longer continue to represent Defendants. The Complaint (Dkt. #1) was filed November 8, 2013, and discovery closes August 21, 2014. *See* Scheduling Order (Dkt. #21).

Having reviewed and considered the matter, and good cause appearing,

**IT IS ORDERED:**

1. Defendants' Motion to Withdraw (Dkt. #22) is **GRANTED**.
2. A corporation cannot appear except through counsel. *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993); *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). Therefore, Defendant Tasty E Vapes LLC shall

1 have until **June 30, 2014**, in which to retain new counsel who shall file a notice of  
2 appearance in accordance with the Local Rules of Practice.

3 3. Defendants Joseph Landolfi and Barry Masciotra shall have until **June 30, 2014**, in  
4 which to either retain new counsel who shall file a notice of appearance in accordance  
5 with the Local Rules of Practice or file a notice that they will appear pro se.

6 4. Failure to comply with this Order may result in a recommendation to the district  
7 judge for sanctions, including case-dispositive sanctions.


8 5. The Clerk of Court shall serve a copy of this order on Defendants at:

9 Joseph Landolfi  
10 JLI Construction, LLC  
11 5915 Pueblo Canyon Ave.  
12 Las Vegas, NV 89131

13 Barry Masciotra  
14 7260 W. Azure Drive, Ste. 140-625  
15 Las Vegas, NV 89130

16 Tasty E Vapes  
17 6599 Las Vegas Blvd South  
18 Las Vegas, NV 89119-3238

19 Dated this 30th day of May, 2014.

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PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE